

Members:
Rep. Mark Kruzan, Chair
Rep. John Frenz
Rep. Dale Sturtz
Rep. Luther Lutz
Rep. Richard Mangus
Rep. Thomas Saunders
Sen. James Merritt, V. Chair
Sen. Allen Paul
Sen. Becky Skillman
Sen. William Alexa
Sen. James Lewis
Sen. Timothy Lanane



INTERIM STUDY COMMITTEE ON STATE GOVERNMENT ISSUES

LSA Staff:
John Rowings, Attorney for the Committee
Anne Haley, Attorney for the Committee
Susan Preble, Fiscal Analyst for the Committee

Authority: Legislative Council Resolution 2-1998

**Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9588 Fax: (317) 232-2554**

MEETING MINUTES

Meeting Date: August 25, 1998
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington St.,
House Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Mark Kruzan, Chairperson; Rep. John Frenz; Rep. Dale Sturtz; Rep. Luther Lutz; Sen. James Merritt, Vice-Chairperson; Sen. Becky Skillman; Sen. William Alexa; Sen. James Lewis; Sen. Timothy Lanane; Rep. Richard Mangus.

Members Absent: Sen. Allen Paul; Rep. Thomas Saunders.

CALL TO ORDER

Representative Mark Kruzan, Chairman of the Interim Study Committee on State Government Issues ("the Committee"), called the meeting to order at 1:45 p.m. He announced that copies of the public hearing schedule for the Governor's Task Force on Public Access were available, and noted that this schedule called for the Governor's Task Force to meet in Fort Wayne (September 14), Gary (October 1), Evansville (October 16) and Indianapolis (November 5).¹ Representative Kruzan then stated that the meeting would begin with a presentation from representatives of the Access Indiana Information Network (AIIN). Representative Kruzan also thanked AIIN for its responsiveness in dealing with requests to make different types of

¹ A copy of this schedule is on file in the Legislative Information Center, Room 230, State House, Indianapolis, Indiana. The telephone number of the Legislative Information Center is (317) 232-9856, and the mailing address is 200 West Washington St., Suite 301, Indianapolis, Indiana 46204-2789. The schedule is also available at the web site for the Governor's Public Access Counselor, which is located at www.state.in.us/pac.

information available on the Internet. As an example of this responsiveness, he cited the speed with which AIIN has made public records access request forms available (see [www:ai.org/precords/index.html](http://www.ai.org/precords/index.html) for these forms).

ACCESS INDIANA INFORMATION NETWORK

Mr. Stan Jones, Commissioner of the Commission for Higher Education and Chairman of the Intelenet Commission, gave the Committee a brief overview of the history and purposes of AIIN. He complemented state policy makers on their foresight in taking the steps several years ago to make public records available through the Internet, noting that although many people were not familiar with the Internet when AIIN was established, everyone knows about it now. Mr. Jones stressed two points: (1) AIIN does not determine what is a public record, and (2) AIIN does not decide what goes on the web - that decision is made in consultation with the General Assembly and the agencies served by AIIN.

Mr. William "Brad" Bradley, Network General Manager, AIIN, used a slide presentation to review the services provided by AIIN.² Mr. Bradley's remarks included the following:

- The State owns the AIIN service and retains control of all online information on AIIN.
- AIIN operates under the authority of the Intelenet Commission. The State establishes policies for AIIN through a governing body composed of State officials and citizen/users.
- AIIN establishes, develops, maintains and expands the network, and also educates the public on how best to use the network.
- No state funding is used to support the network.
- Indiana has the most comprehensive state gateway in the nation, offering nearly 65,000 pages of government information
- In the coming weeks AIIN will be establishing a multi-agency calendar system which will list state agency meeting notices in one location, and will also be setting up a comprehensive listing of state agency press releases.

Mr. Jones then made closing remarks concerning AIIN. He noted the advent of "electronic commerce" via the Internet, stating that it is now possible to carry out many different types of transactions, such as book purchases and license plate renewals, over the worldwide web. He said that the growth of such services on the web involved aspects of both public access and convenience. As to the future, he stated that discussions are in progress with the Governor's office concerning proposals that would (1) require all notices of public meetings of state agencies to be posted on AIIN, and (2) require posting of state agency bid notices to potential vendors on AIIN.

COPYING FEES

Representative Kruzan then turned over the meeting to Senator Merritt and Representative Sturtz for purposes of moderating a discussion of public records copying fees.

² A copy of this presentation is on file in the Legislative Information Center (see footnote 1).

Representative Kruzan also noted that the legal staff for the Committee had prepared and distributed a compilation of Indiana statutes containing references to public records copying fees and fees for access to computer systems containing public records.³

Senator Merritt said that based on his review of the information he had received so far, the matter of copying fees is a very complicated subject. He also said that he had arrived at the conclusion that all records are open and should be available for copying. He raised the issue of whether copying fees should be determined on a statewide basis or should be set locally by local officials. He also noted that an issue exists as to whether “bulk” requests for information regarding land titles should be treated differently from individual requests for such information.

Representative Sturtz echoed Senator Merritt’s remarks and said that the purpose of the hearing on copying fees was to learn from those who would be offering testimony.

Ms. Helen Scheibner, Indiana Association of Public Health Physicians, questioned whether Senator Merritt’s earlier assertion that “all records are open” applied to information contained in birth and death records.

Ms. Rita Kopala, Lakeville, Indiana, told the Committee that she feels copying fees and access to public records are a serious problem in St. Joseph County and reminded the Committee that public access must provide accurate information. She reviewed the problems she has encountered in attempting to get copies of ditch assessment information for the period covering 1980 to 1998 and told the Committee that copying fees in St. Joseph County had doubled from 25¢ to 50¢ during the last few months.⁴

Ms. Cheryl Musgrave, Vanderburgh County Assessor, discussed her experience in placing property tax information for Vanderburgh County on the Internet.⁵ [NOTE: the Internet address for the Vanderburgh County Assessor’s web site is <http://www.assessor.evansville.net>] Ms. Musgrave made the following remarks:

- Placing these records on the Internet was not too difficult. It involves taking a file extract of the Assessor’s electronic files and translating them into a version that is readable on the Internet.
- It took about six months to get these records on the Internet once the decision was made to go forward. The project has cost about \$10,000 to date, with most of the funding coming from the private sector. Ms. Musgrave thanked the Evansville Association of Realtors for their assistance in funding the site.
- This web page was accessed about 2,000 times last month and seems to be meeting new demands. Potential home buyers are using the site to compare property values within

³ This document is on file with the Legislative Information Center (see footnote 1).

⁴ Written materials submitted by Ms. Kopala are on file with the Legislative Information Center (see footnote 1).

⁵ Printouts of web pages distributed by Ms. Musgrave are on file with the Legislative Information Center (see footnote 1).

neighborhoods, while neighborhood groups are using the site to find the owners of dilapidated properties that are in need of renovation.

Representative Kruzan asked Ms. Musgrave what fees her office charges for hard copies of records. Ms. Musgrave said that copies are free of charge when requested by the owner of the property in question and 50¢ per page when requested by someone other than the property owner. Representative Kruzan asked which records in Ms. Musgrave's office are not on the Internet site. Ms. Musgrave said that transfer cards and sketches of buildings are not available on the site. In response to a final question from Representative Kruzan, Ms. Musgrave said that she is not aware of any other counties that have placed property tax records on a web site, although she has received a few inquiries from other counties.

Ms. Wendy Brant, Zionsville, Indiana, told the Committee that an artificial dichotomy exists in the public records philosophy reflected in current Indiana statutes because there are two sets of standards for determining fee schedules for public records.⁶ One fee schedule has been enacted for electronic access and retrieval of public records based upon commercial usage, and another has been established for paper documents accessed by standard copying machines with no fee differences regarding how that information will be used. Ms. Brant expressed her concern that by allowing governmental entities to recoup the expense of establishing and maintaining electronic data systems, Indiana has put state government and local governments in business. She stated that new and definite fee schedules should be established to get Indiana and county governments out of the public information business, that the fee charged for access to and reproduction of public records should be for the exact cost of providing the public records requested (regardless of the medium through which the information is reproduced), and that access to public records is an "umbrella" issue which should override local governments' autonomy under Home Rule.

Mr. Charlie Hiltunen, representing the Indiana Land Title Association, pointed out that while prior testimony had dealt with problems encountered by individuals, he wanted to address issues related to access to public records by title companies and commercial entities. After briefly describing the many services provided by title companies to both businesses and individual consumers, he asked two members of the title association to address the Committee.

Ms. Helen S. McGaughey, President of the Montgomery County Council and Vice President of Security Abstract & Title Co., Inc., described problems she has encountered in obtaining public records from the Montgomery County Recorder's Office.⁷ After explaining the manner in which her company indexes documents affecting title to real estate, Ms. McGaughey reviewed the history of the way her company has copied public records. Ms. McGaughey stated that during the late 1970's Security Abstract began xeroxing from original documents, with all of the costs of duplication (including the machine, labor, paper, and repairs) borne by the company. Ms. McGaughey then reviewed her legal dispute with the County Recorder's Office concerning the \$1.00 per page charge imposed by the County Recorder during the early 1990's. Ms.

⁶ A copy of Ms. Brant's statement is on file with the Legislative Information Center (see footnote 1).

⁷ A copy of Ms. McGaughey's statement is on file with the Legislative Information Center (see footnote 1).

McGaughey said that although Security Abstract's litigation was successful, the company has "lost the war" because Indiana law gives an elected office holder the discretion to decide how copies of public records are produced. In the case of a recorder's office, if the office holder denies a customer use of their own copy equipment, then a \$1.00 per page charge is imposed (there is no charge if the customer uses his or her own equipment). Ms. McGaughey then estimated the increased cost to her company due to the denial of permission to use the company's own copying machine to make copies, and also described other administrative measures that an office holder can use to impede access to public records (such as requiring exact change). Ms. McGaughey concluded her testimony with several specific recommendations, as follows:

- Reduce the \$1.00 per page copying charge currently permitted for county recorders and county clerks. The charge should be reduced to the costs of the process.
- Make an office holder personally, and potentially criminally, liable for refusing a request for a copy of the public record. If a lawsuit is required to gain access to a public record, award attorney's fees to the prevailing party; if a county official loses, the county should not be required to pay the official's defense costs.
- Allow citizens, at their choice, the ability to copy public records using their own equipment. The limit on this must be reasonableness.
- Funds received from copying fees should be placed in the county general fund.
- All public offices must be required to give change.
- Indiana law should be changed to specify that the county commissioners possess control over all actions of the elected officials in the executive and legislative branches of county government.

Representative Sturtz asked whether elected officials can have a petty cash fund to make change. Ms. McGaughey said that the State Board of Accounts permits an official to have up to \$600 in such an account, and Senator Skillman confirmed that the State Board of Accounts does permit a "cash change fund."

With reference to Ms. McGaughey's suggestion that the county commissioners be given authority over other county officials, Representative Sturtz asked whether the commissioners should be in charge of county sheriffs. Ms. McGaughey said that someone needs to be the governing body so that there is a quicker way to resolve problems. Senator Skillman pointed out that the state constitution provides for several of the separately elected county officials, so "putting someone in charge" would require constitutional changes.

Mr. Fred Jones, Old Republic Title Company, addressed the issue of acquiring public records in bulk form. He urged the Committee to remember that there needs to be a method by which people in the title company industry can acquire records in bulk form and transfer them to their own computer systems. Mr. Jones also reviewed the progress that has been made by title companies with respect to the amount of time that is typically required to clear title in a real estate transaction.

Mr. Dave Bane, Stallard & Schuh, Inc., also submitted written testimony with respect to the fees charged by county recorders in several different county. His testimony includes

responses from 51 counties concerning fees charged for paper copies, microfilm and digitized images.⁸

Mr. Stephen Key, Counsel for Governmental Affairs, Hoosier State Press Association, told the Committee that an increasing reliance on copying fees by some governmental agencies as a supplemental revenue source threatens the philosophy embodied by the Access to Public Records Act.⁹ He noted that IC 5-14-3-8 requires the Indiana Department of Administration to establish a copying fee for state agencies (this fee has been 15¢ per page since 1983) and provides that local government agencies are to limit copying fees to “the actual cost of certifying, copying, or facsimile transmission of the document by the agency.” Mr. Key argued that extraneous costs such as labor, overhead and profit should not be included in the determination of the “actual cost” of copying because taxpayers have already funded the acquisition of information, which was collected to meet the duties of the public office. He also noted the discrepancy between the \$1.00 per page copying fee permitted for some public records and the much lower per-page rates charged by private companies that intend to make a profit (the rates charged by six firms surveyed by Mr. Key ranged from 3.5¢ to 12¢ per page). Mr. Key also noted problems with statutory provisions that (1) permit restrictions on the commercial use of public information obtained on computer disk or tape, (2) include a labor component in the determination of “direct cost” for purposes of gaining access to computer-stored public records, and (3) include a publication cost factor in the fee for disk or tape copying of public records. Mr. Key recommended the following proposals:

- Return copying fees to “actual cost” by either setting a statewide rate or adding language specifying that labor, overhead and profit are not to be included under “actual costs.”
- Consider “sunsetting” statutory language that permits copying fees for paper records above actual costs. Either reduce mandatory fees to a set price that reflects actual costs or change “reasonable fee” language to “actual cost” language.
- Eliminate the commercial use prohibition for records obtained on computer disk or tape.
- Eliminate the labor component in the definition of “direct cost.”
- Eliminate the publication cost component included in the fee for a copy of computer records.

Senator Merritt stated that he supported a county-by-county determination of copying fees because a county that has a high level of corporate use of public records, as opposed to a rural county, would have to hire a person to handle copying requests and might also have to increase property taxes if copying fees were too low. Mr. Key agreed that urban areas might have higher costs, but said that they would probably have additional costs even without a high concentration of corporate users of public records. After noting that his arguments relied on the assumption that making copies is a part of the normal duties of a public agency, Mr. Key also said that (1) there is no justification for a wide variation in fees from county to county, because duplicating fees should be about the same in each county, and (2) if information is made available electronically, as has been done in Vanderburgh County, the demand for paper copies

⁸ A copy of Mr. Bane’s written remarks is on file with the Legislative Information Center (see footnote 1).

⁹ A copy of Mr. Key’s presentation is on file with the Legislative Information Center (see footnote 1).

will fall and overall costs will be reduced.

Senator Lanane asked Mr. Key whether it was his contention that there should be no consideration of labor costs for copying, even if it takes several days of research to locate the requested documents. Mr. Key stated that the current public records statute clearly prohibits search fees and that this prohibition is a fundamental part of the statute since such fees could be used to prevent access to records.

Mr. Clarke Kahlo, Program Director for Protect Our Rivers Now, told the Committee that his organization had received the first official opinion of the Governor's new Public Access Counselor (ruling that a draft summary of a public hearing prepared by the Department of Natural Resources is a public document).¹⁰ As to copying fees, Mr. Kahlo said that such fees are often used by local agencies as a weapon to discourage public participation. He cited two examples of such situations:

- A 35¢ per page charge imposed by City of Indianapolis (Department of Capital Asset Management) for a 132-page report concerning the combined sewer system in Indianapolis, for a total cost of \$46.00. Mr. Kahlo noted that the City's cost for the document was only 3.275¢ and described the cost differential as a "tidy profit" for the City.
- A \$161 charge that the City of Indianapolis claimed was the quoted cost to reproduce a list of projects to be funded by a proposed stormwater utility tax in Indianapolis. Mr. Kahlo said that a local PIP copy shop later quoted the job at only \$16.00.

Mr. Kahlo said that the "actual cost" standard in current law is being regularly violated and urged the Committee to remedy this situation. He closed by endorsing the position of FOIndiana stating that copy fees should be uniform and should only recover the actual costs of making copy (labor costs should not be included, since the public has already paid for creation and maintenance of these records), and profit should not be a government motivation in releasing or charging for public records.

Ms. Beth O'Laughlin, Executive Director, Association of Indiana Counties, began her remarks by reminding the Committee that there are thousands of local and state government employees who readily and willingly produce millions of copies of documents annually. She then addressed four topics related to copying fees, as follows:

- Should government charge for copies? Ms. O'Laughlin said there are costs of doing business associated with reproducing copies, and, one way or another, people will pay for copies. This raises the age old debate in local government of property taxes versus user fees. Although some say that property taxes already pay for providing copies, Ms. O'Laughlin disagrees, stating that a majority of county recorders' offices are totally supported by service fees for document filings and copy charges. Ms. O'Laughlin said one can't have it both ways - if copy fees aren't charged, the alternative to funding the

¹⁰ A copy of Mr. Kahlo's remarks is on file with the Legislative Information Center (see footnote 1). The Public Access Counselor's opinions are available at www.state.in.us/pac

service is property taxes.

- What should government charge for copies? Current law permits inspection and copying by hand for free. Whether the document is on paper, microfilm or CD, there is a cost associated with producing a copy. Current law allows a copy fee not to exceed the "actual cost" of reproducing the copy, but the fee may not include a charge for searching, locating, verifying and filing the record. Therefore, the charge for a copy should at least allow the consideration of (1) time spent making copies and copy-related activities, (2) correlating time spent with salaries and benefits of the employees performing the service, and (3) direct copier cost specific to making copies for the public. The Association of Indiana Counties is in the process of conducting a survey of copying costs incurred by counties and will report back to the Committee at a later time. However, based on preliminary results from the survey, county costs vary from a low of 59¢ per page in a medium-sized county to a high of \$2.41 per page in a small county, and an average of \$1.35 per page. Ms. O'Laughlin has not yet had a chance to determine why some of the reported costs are so high.
- Who should set fees? Costs vary widely from county to county, so copy fees should be determined locally. The AIC will continue to work with local officials to educate them as to the appropriate way to go about establishing copying fees. The statutory fee of \$1.00 per page for copies made by county recorders and county clerks is an exception to the "actual cost" standard for copying fees. Based on AIC's preliminary survey results, this standard fee is not excessive, and it also gives commercial users a consistent fee from county to county so that processing of services is expedited.
- Should commercial users pay the same as the general public? Why not? The former practices in many counties under which commercial users were permitted to bring in their own copy machines and make their own copies often amounted to "sweetheart deals" and were not equitable to the public. With respect to suggestions that people should be allowed to use their own copying equipment, Ms. O'Laughlin pointed out that county officials have the explicit duty to protect public records from loss or damage. Ms. O'Laughlin also noted, by way of example, the proliferation of title companies doing business with the Marion County Recorder's Office (growing from 6 companies in 1983 to over 70 companies today) and said that blanket authority for anyone to bring their own equipment into an office would be a disaster. She also noted that the use of non-paper media in many counties (such as microfilm and CD) is effectively providing a bulk discount since the per-page costs of copies provided by those methods is substantially less than \$1.00 per page.

Ms. O'Laughlin closed her remarks by again stating that the majority of public officials and employees willingly provide access to public records, and said that her association would continue to work towards educating those officials who "don't get it yet."

Representative Kruzan said that local officials provide many services for which they do not charge a "user fee" and asked how providing copies of public records is any different if you assume that the public has already paid for the information contained in the records. Ms. O'Laughlin pointed out that public records can be inspected for free, but that copying is an additional service for which a cost is incurred. She added that AIIN also charges for some of the information contained on its system.

Representative Kruzan asked how copying companies such as Kinko's can stay in business if they are charging only a few cents per page, while the cost to local governments to copy a page is substantially higher. Ms. O'Laughlin replied that she did not know the answer to this question but would be glad to look into it.

Representative Kruzan reminded the Committee that its proceedings are not meant to be a broad-based attack on government, since in most cases there is no problem with public access. He added, however, that the Committee is seeking to locate cases of abuse and mismanagement, and said that he wants to avoid situations in which copying fees become a barrier to access.

Senator Skillman said that although the Committee had heard some reports of real abuse at prior meetings, she wanted to believe that the majority of public officials do the best job they can with the resources available to them. She also wondered whether the dynamics of local politics sometimes contributes to these problems, since a county official who does not have enough resources to provide services may be reluctant to go before the county council every year to request additional funding. She also noted that if copying fees are reduced as a result of the Committee's activities, county councils will need to be made aware of the reduction of fees and its impact on local officials.

Representative Frenz pointed out that most public offices would have a copying machine anyway, so it is unfair to include the price of the machine in copying fees. He added that recorders, assessors and other officers keep records for one reason - for the public - and should not be able to make a profit on copies. He then described his frustration with the variation in fees he encountered in his legislative district while obtaining copies of election records during his first campaign for the legislature - records in some counties were free, while others charged \$4.00 per page. Ms. O'Laughlin said that she could understand Representative Frenz's question as to why these records could not be free in all counties and said that she had discussed this idea with local officials in the past. She then reminded the Committee, however, that any reduction in copying fees would be passed through to property taxes.

Ms. Kathryn Azhar, Fishers, Indiana, questioned Ms. O'Laughlin's assertion that copying fees for public records are justified because copying is an "extra" service. She said that copying documents should be considered part of an employee's normal duties, and noted that an analogy could be made to governmental offices that need to have employees to answer telephones. There is no charge for answering telephones, and there should not be a charge for making copies.

Mr. Jeffery Gunning, Town Attorney for the towns of Beverly Shores and Ogden Dunes, told the Committee that he had extensive experience dealing with municipal matters and had been on both sides of municipal issues, representing both individuals and municipalities. He made four major points with respect to copying fees as they affect small municipalities:

- Small municipal units are in a real bind when they are hit with unusual costs that aren't built into their budgets. Consequently, Mr. Gunning urged that copying fees should cover retrieval and search costs and said that failure to include such costs in copying fees is tantamount to an unfunded mandate.

- Audio and video tapes present problems for small units because they do not have the means to duplicate such tapes. Small units also do not have the means to record minutes, so they are reduced to taking minutes by hand on a "best efforts" basis. Mr. Gunning urged the committee to address the issue of audio and video records.
- The current open meetings statute permits media representatives to get notices of public meetings by making an annual request. Mr. Gunning suggested that this notice procedure be made available to other interested parties, but urged the Committee to keep potential costs to local units in mind.
- The fees that one local unit must pay to another local unit or the state in order to obtain a document should be examined. The Committee might consider a fee exemption in these situations.

Mr. George Kirkby, Hobart, Indiana, noted that he had previously written to members of the Committee regarding copying fees. He made the following points during his presentation:

- Although copying of documents in various governmental offices is essentially the same procedure, there is a wide discrepancy in copying fees. Clerks' offices have statutory fees of \$1.00 per page, other local officers can establish fees based on "actual cost," and some police agencies charge \$3.00 for a copy. Mr. Kirkby said that a copy is a copy, regardless of where it comes from, so copying fees should be uniform. He also noted that a copy fee is a form of taxation and that pursuant to Article 10, Section 1 of the Indiana Constitution (which requires uniformity in taxation), copying fees should be uniform statewide.
- Should the state set copying fees or should local units of government be permitted to establish their own fees? Mr. Kirkby said that his experience is that government left alone runs amok, which is why the Committee is having these hearings. The public records statute does not define the term "actual cost" for purposes of local government copying fees - there should be a good definition of "actual cost" or the statute should simply specify a statewide copying fee.
- By way of illustrating the need for better definitions in the public records statute, Mr. Kirkby reviewed the process followed by Lake County officials in response to the definition of "direct cost" established by House Bill 1331 during the 1995 legislative session (this definition is used by public agencies in computing the fee to be charged for a duplicate of a computer tape, computer disk, microfilm or similar record system). He said that these officials conducted a lengthy, costly series of meetings, which ultimately resulted in a fee of \$113 per hour to duplicate computer records.
- Mr. Kirkby urged the Committee to simply establish a statewide, per page copying fee which would reduce "red tape" and save taxpayers around Indiana a substantial amount of money.

In response to a question from Representative Sturtz, Mr. Kirkby suggested that the statewide copying fee should be 8¢ per page. He added that copying costs have come down dramatically in recent years, and said that figures on costs per copy are available from manufacturers of copying machines.

Ms. Charlene Bredemeier, Carmel, Indiana, made the following remarks:

- Although government officials often feel that public records are "theirs" and ask why a public record is requested or argue about the cost of providing the record, the Committee should remember that these officials have a duty under the public records law to provide records. Providing records is not a special service, and government is just the custodian of those records, which belong to the public.
- With respect to arguments about the time needed to respond to public records request, this is simply a matter of proper office organization.
- The Committee should keep in mind the problem of the cost of records being a deterrent to small "mom and pop" business enterprises.
- With respect to the Association of Indiana Counties survey on copying costs, the only purpose of unreasonably high costs (such as the \$2.41 figure cited in the survey) is to discourage citizens from gaining access to public records.
- The Committee must keep the purpose of the public records access law in mind.

Ms. Vickie Kivett, Morgan County Recorder, told the Committee that:

- She is certainly aware that documents received by her office are public records. Information that is received by her office is available via both computer and microfilm. Her office is not denying access to records.
- Her county faces special problems because it is the third fastest growing county in Indiana in terms of land development. Due to this rapid increase in her office's activity, it is not in the best interests of her office to pull her employees from their duties several times a day to make copies.
- She objects to persons bringing their own copiers into her office and using county electricity.

Mr. David H. Cox, Editor, Terre Haute Tribune Star, also submitted written testimony concerning copying fees,¹¹ and Ms. Susan Engelbrecht submitted written testimony concerning access to child support information.¹²

ADJOURNMENT

Representative Kruzan announced that the next meeting (which is scheduled for Tuesday, September 22, at 1:30 p.m.) would consist of a discussion of "compliance" and "mechanics" issues affecting public records access. He said that persons interested in discussing compliance matters should contact Senator Skillman, while those interested in mechanics issues should contact Representative Frenz. He adjourned the meeting at 4:35 p.m.

¹¹ This document is on file with the Legislative Information Center (see footnote 1).

¹² This document is on file with the Legislative Information Center (see footnote 1).